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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,106	06/11/2002	Bernard Dron	15219	1544

7590 08/12/2004

Scully Scott Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

EXAMINER

TRAN, KHOA H

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/048,106

Applicant(s)

DRON, BERNARD

Examiner

Khoa Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/5/04 & 1/12/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-19 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Applicant's election without traverse of Species II, Figure 3, is acknowledged. Accordingly, claim 13 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species, there being no allowable generic or linking claim.

Drawings

The drawings are objected to because Figure 5 fails to show section piece "16" as described on page 13, line 17 in the specification.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the third section piece coming into contact with an interior wall surface of the second section piece, in claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-12, 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dron (U.S. Patent No. 6,677,020) in view of F. E. Clark et al. (U.S. Patent No. 3,178,779). Dron discloses a seal member comprising a first section piece of a U-shaped clip (1), a second section piece (5) of a tubular member having an orifice (6) communicates between the inside and outside of the second piece, and a third section piece (7) of a seal member housed by the tubular member of the second section piece. See Figure 1. Dron does not teach the seal member connected to a fluid source and expandable to engage with the tubular member. However, Clark et al. teach an expandable seal member (7) connected to a compressed fluid source such that the expandable seal member engages with the tubular member (3) when the fluid is

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pumped into the seal member. See Figures 2 and 5. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the seal member of Dron to be an expandable seal member that connects to a fluid source as taught by Clark et al. in order to have a pressurize seal for a vehicle operating at high speeds. With respect to claims 17 and 18, water containing glycol is well-known and commercially available, i.e., glycol preventing water to become ice such as windshield wiper solution. Accordingly, it would have been obvious to one ordinary skill in the art as a matter of engineering design choice to utilize water containing glycol as a particular fluid instead of using gas fluid since it is well-within the level of skill in the art to utilize the known features of the art for the purpose for which it is known thus producing no new matter.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dron (U.S. Patent No. 6,677,020) in view of F. E. Clark et al. (U.S. Patent No. 3,178,779) as applied to claims 9-12 above, and further in view of Mueller (U.S. Patent No. 4,579,192). Mueller teaches a pressurized fluid control system that responsive to the speed of a vehicle, wherein the fluid provides to the seal member at a pressure increase with the increase of the vehicle moving faster than a predetermined speed. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the modified seal of Dron in view of Clark et al. with the provision of a pressurize fluid control system as taught by Mueller in order to provide good sound insulation at high speed of the vehicle.

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The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Van Dyk, Jr. V. A. Finley, E. F. Peterson et al., and Warner, ___ are cited to a seal member that has similar configurations of design to applicant's invention.

Response to Arguments

Applicant's arguments with respect to claims 9-12 and 14-19 have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa Tran whose telephone number is (703) 306-3437. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun, can be reached on (703) 308-2156. The fax phone number for this Group before a final Office action is (703) 872-9306 and after a final Office action is (703) 872-9327.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoa Tran

August 3, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER